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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,996	01/16/2004	Go-hyun Kim	1293.1299C	5008

21171 7590 09/07/2004

STAAS & HALSEY LLP  
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WASHINGTON, DC 20005

EXAMINER
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KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/757,996	KIM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William J. Klimowicz	2652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 11, 16, 17 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 7-9, 12-15 and 18-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/029,984.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-16-04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record of parent application Serial Number 10/029,984.

### ***Claim Objections***

Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Note that claim 5 is a duplicate of claim 3; claim 5 depends from claim 3 (via claim 4).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6, 10, 11, 16 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in

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the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure:

- (i) Claim 3 (line 2), "the second hook step."
- (ii) Claim 4 (line 1-2), "the second damper."
- (iii) Claim 6 (line 2), "the common damper."
- (iv) Claim 10 (line 2), "the common hook step."
- (v) Claim 10 (line 3), "the common damper."
- (vi) Claim 26 (line 3), "said hooking member."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 17 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurosu (US 5,123,005).

As per claim 1, Kurosu (US 5,123,005) discloses an optical disc changer, comprising: a main body (2); a tray (7) slidably installed in the main body (2); a roulette (16) rotatably installed at the tray (7) to accommodate a plurality of optical discs (20); an optical pickup device (45) to reproduce the optical disc (20) accommodated on the roulette (16); a first hook step (e.g., portion of chassis on which the elastic portion of (6) is mounted) protruding from one of the tray (7) and the main body (2) and a first stop member (14) provided on the other of the

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tray (7) and the main body (2) at a position to bump against the hook step (e.g., portion of chassis on which the elastic portion of (6) is mounted) at a point when loading is completed (e.g., see, *inter alia*, FIGS. 12A and 14A; see also COL. 5, line 63 through COL. 6, line 2; COL. 13, lines 19-26); and a first damper (6) provided at a bump portion of the first hook step (e.g., portion of chassis on which the elastic portion of (6) is mounted) and/or the first stop member (14).

As per claim 2 further comprising a second hook step (e.g., right side of undepicted portion of chassis on which another right side undepicted elastic portion of (6) is mounted) and a second stop member (e.g., right side of undepicted portion of (14)) is disposed so that the second hook step bumps against the second stop member at a point where unloading is completed (e.g., see FIG. 12, wherein the shown left-side portion corresponds to the undepicted right-side portion), to limit a movement range of the tray (7) during unloading, and a second damper (undepicted right-side (6) which corresponds to the depicted left-side (6) as seen in FIG. 12A) provided at a bump portion at the second hook step and/or the second stop member. That is, although the Figures only depict the left side portion of the tray, the undepicted corresponding right side portion also includes another stopper member and hook step as indicated at, *inter alia*, COL. 5, lines 63 through COL. 6, line 2.

As per claims 3 and 5, wherein the first hook step and the second hook step form a common hook step. "Common" in the sense that they perform a "common" function and have a "common" structure.

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As per claim 4, wherein the first damper and the second damper are respectively provided at both side surfaces (i.e., they are provided on right and left sides of the tray and chassis) of the “common” hook step.

As per claim 6, wherein the “common” hook step includes a protrusion (e.g., portion of chassis on which (6) is mounted) provided at the tray (7) or the main body (2), and the “common” damper (“common” in the sense that they perform a “common” function and have a “common” structure) has a cylindrical shape and is fixedly inserted around the protrusion.

As per claim 17, Kurosu (US 5,123,005) discloses an optical disc changer comprising: a main body (2); a tray (7) slidably installed in the main body (2); a roulette (16) rotatably installed at the tray (7) to accommodate a plurality of optical discs (20); an optical pickup device (45) to selectively reproduce one of the optical discs (20) accommodated on the roulette (16); and a damping unit (including elastic member (6)) to absorb shock when the tray (7) is loaded in and unloaded from the main body (2) to prevent defective reproduction of the one optical disc (20) (e.g., see, inter alia FIGS. 12A and 13A).

As per claim 27, wherein said damping unit (including (6)) is “away” from the edges of said tray (7) when said tray is in the loaded or unloaded positions (e.g., see FIGS. 12A, 13A).

As per claim 28, wherein said damping unit (including (6)) is underneath said tray (7) (e.g., see FIG. 8).

As per claim 29, said damping unit (6) is formed on two opposite sides of said main body (2) (e.g., see FIG. 8).

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***Allowable Subject Matter***

Claims 7-9, 12-15 and 18-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10, 11, 16 and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

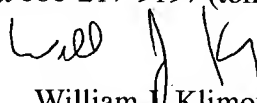
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2652

WJK